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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 MICHAEL CHARLES SMITH,

20 Defendants.

21 CASE NO. 1:24-CR-00079-KES-BAM

22 STIPULATION REGARDING EXCLUDABLE
23 TIME PERIODS UNDER SPEEDY TRIAL ACT;
24 ORDER

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27
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through her counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for a status conference on July 10, 2024. ECF 18.
32 2. By this stipulation, defendant now moves to continue the status conference to August 28,
33 2024, and to exclude time between July 10, 2024, and August 28, 2024, pursuant to 18 U.S.C. §
34 3161(h)(7)(A), B(iv).

35 3. The parties agree and stipulate, and request that the Court find the following:
36 a) The government asserts the discovery associated with this case includes reports,
37 photographs, and recordings; initial discovery has been provided to defense counsel. The
38 Government will continue to provide necessary discovery to Mr. Smith and is aware of its

1 discovery obligations.

2 b) Counsel for the parties are engaged in active plea negotiations and believe this
3 case will resolve short of trial. Government counsel provided a revised plea offer to the defense
4 counsel on June 27, 2024.

5 c) The defense counsel requires additional time to convey the offer to his client, to
6 further discuss trial strategy, possibly defenses, and further investigation that may be necessary,
7 as well as to finalize plea discussions with his client. The parties have accounted for scheduling
8 conflicts to reach the proposed date.

9 d) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny them the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 e) The government does not object to the continuance.

13 f) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendants in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of July 10, 2024 to August 28, 2024,
18 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results
19 from a continuance granted by the Court at defendants' request on the basis of the Court's
20 finding that the ends of justice served by taking such action outweigh the best interest of the
21 public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25 IT IS SO STIPULATED.

1 Dated: July 1, 2024

PHILLIP A. TALBERT
United States Attorney

5 Dated: July 1, 2024

6 /s/ ARIN C. HEINZ
7 ARIN C. HEINZ
8 Assistant United States Attorney

13 IT IS SO ORDERED.

14 Dated: July 1, 2024

15 /s/ Barbara A. McAuliffe

16 UNITED STATES MAGISTRATE JUDGE